

REMARKS

Claims 124 are pending in the application. Claims 1, 7, 13, and 19 are the only independent claims and have been amended. Claims 2, 8, 14 and 20 have been cancelled without prejudice. Favorable reconsideration is respectfully requested.

In the previous Office Action, the Examiner refused to consider the Chinese reference CN-1238875-A because an English translation was not filed. However, as was pointed out in the last response, the Information Disclosure Statement included an English translation of the foreign Office Action in which the Chinese reference was discussed in detail, for example at item 4 of the Chinese Office Action (Page 2 of the Action). In view of the above, it is believed that the requirements for consideration of that reference have been met. It is requested that an initialed copy of the SB/08 form be included with the next Office Action.

Moreover, in the most recent Office Action, the Examiner refused to consider foreign language documents cited in the Information Disclosure Statement filed April 28, 2009, despite the fact that an English translation of the Japanese Office Action's discussion of the relevance of the cited documents was provided. In view of the above, the requirements for consideration of the references have been met and it is requested that an initialed copy of the SB/08 form for this second Information Disclosure Statement be included with the next Office Action as well.

Applicants also wish to point out that the Asgarinejad reference does not appear to have been made of record in this case. Applicants request that this reference be cited in the next Office Action on a form PTO-892 so that it will appear of the face of any patent issuing from this case.

Claims 1, 3, 7, 9, 13, 15, 19 and 21 were rejected under 35 U.S.C. 103(a) over Kenji (Japanese Publication Number 2002-049711) in view of Asgarinejad (United States Patent Publication Number 2005/0003330) and further in view of Notomi (U.S. Patent Publication 2003/0203347). Claims 2, 4-6, 8, 10-12, 14, 16-18, 20 and 22-24 were rejected under 35 U.S.C. 103(a) over Kenji in view of Asgarinejad and Notomi and further in view of Ushiki (European

Patent Application Publication Number 1355473). Applicants submit that the amended independent claims are patentable over the cited art for at least the following reasons.

Amended independent claim 1 recites, inter alia, an authentication server for authenticating an information terminal when the information terminal requests a start of distribution of the data, using at least one of a time at which the information terminal requests the start of distribution of the data and an identification number of the information terminal; and a call processing server for performing a call processing process for connecting the information terminal to the network if the authentication server authenticates the information terminal successfully, the authentication being successful if the call processing server confirms either: (1) the time at which the information terminal requests the start of distribution is in agreement with a range of a pre-registered effective connection time zone; or (2) the identification number of the information terminal is in agreement with a pre-registered identification number.

Applicants have found no teaching in the cited art of the abovementioned features of amended independent claim 1.

For at least the foregoing reasons, amended claim 1 is believed clearly patentable over the cited art. Amended independent claims 7, 13 and 19 recite similar features and are believed patentable for substantially similar reasons.

Applicants thank the Examiner for the July 23, 2009 telephone clarification of the suggestion made by the Examiner in the Response to Arguments section of the Office Action. As suggested by the Examiner, a feature described at paragraph [0053] of the published application for the present case has been more explicitly recited in each of the independent claims.

The other claims depend from one or another of the independent claims discussed above and are therefore allowable for at least the reasons discussed above. In view of the above, Applicants believes the pending application is in condition for allowance.

Dated: July 24, 2009

Respectfully submitted,

By Joseph W. Ragusa
Joseph W. Ragusa
Registration No.: 38,586
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 277-6500
Attorney for Applicant